

**From:** Bissell, Tim  
**To:** 'microsoft.atr(a)usdoj.gov'  
**Date:** 1/25/02 5:48am  
**Subject:** Microsoft Settlement

I am not a US citizen, but I thought I would write anyway to express a strong belief held by me and many of my colleagues that the proposed Microsoft settlement should be rejected. I think my comments are valid, even if written in English rather than US English!

It appears to me that rather than punishing Microsoft for its past, illegal behaviour, or providing for effective control of its future behaviour, it simply enshrines the current status quo in law, namely that Microsoft has obtained and maintained a monopoly in the operating system market, by illegal means (not allowing vendors to sell machines which can boot into more than one operating system) and has used that monopoly position to obtain monopolies in other markets ("Office" productivity suites and Web browsers to name two) to the detriment of consumers.

One example of where the proposed settlement is weak is that it takes no account of Open Source products. Samba is an open source system which allows Unix or Linux servers to provide networked disk for Windows client machines, and requires access to Microsoft APIs. This knowledge is encoded in programs which are freely available. If Microsoft is allowed to license this information, as proposed in the settlement, it can (and will, based on past behaviour) demand that the information be treated as a trade secret, and thus exclude all Open Source systems from the information. This would enable Microsoft to 'legally' kill off Samba, and thus enable them to spread their operating system monopoly still further, by requiring that Networked disks for Windows clients can only be provided by Windows servers.

This is only one example of the many deficiencies in the proposed settlement; I could have picked many more. Please reject the proposed settlement and start again.

On behalf of myself, and not my employer

Regards,

Tim

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